

Case Title: State vs Nazrat Khan

Or-----01

20.03.2020

Bail petition submitted. Be entered in the relevant register. Notice be issued to state for record and to complainant for 21.03.2020. File to come up before the concerned court/MOD on the date fixed.

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai (Dabari Wala)  
*20.03.2020*  
**(M. Imtiaz)**

Civil Judge/Judicial Magistrate-II,  
Orakzai

NOTE READER

21/03/2020

Presiding officer is on schedule station leave. File to come up for previous proceeding on 24/03/2020

Or-----02

24.03.2020

*Mr. Shaheen advocate for the petitioners present.  
DPP, Umar Niaz for the state present.  
Complainant in person present. Record received.*

1. Petitioners/Accused 1. Shaheen S/O Gul Saif, 2. Muhammad Shareen S/O Khan Wazeer, 3. Menkhaj S/O Sha Wazeer and Zahir Khan S/O Khial Nazeer R/O Dabori,

Upper Orakzai has applied for the grant of post-arrest bail in case FIR No. 10 Dated 19.03.2020 U/S 379/427/447/147/149 PPC registered at P.S Ghiljo U/Orakzai.

2. Facts in brief as per the FIR are that the complainant has charged the present accused along with others for stealing/cutting of 1500-2000 walnut trees roots by extracting *Dandasa* and selling the same thereafter. Initially complainant approached to the Police Officials but upon their inactivity

Continued.....

*U/S 379/427/447/147/149*

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai (Dabari Wala)  
*24.03.2020*

3

Or-----02  
Continued  
24.03.2020

complainant approached to the Ex. Officio Justice of Peace, Orakzai via submission of application U/S 22-A Cr.P.C which was accepted hence, instant case FIR was registered.

3. Arguments of the learned counsel for the Petitioners/Accused, complainant in person and DPP for the state heard and record perused.

4. Section 427, 147 and 447 PPC are bailable and section 379 PPC although non-bailable but the offence does not fall within the restrictive clause of section 497 Cr.P.C. and in such like cases grant of bail is a rule while refusal is an exception. Moreover, there is nothing on the record that the accused/petitioner is hardened, desperate criminal or previously convicted.

5. Record reveals that there is no direct Eye-Witnesses and it is also not clear that from whose possession trees were recovered. That makes the case one of further inquiry.

6. Resultantly the bail petition is allowed and Petitioners/Accused be released on bail subject to furnishing bail bonds to the tune of Rs. 100,000/- (One lac) with two local reliable and resourceful sureties each in the like amount to the satisfaction of this court. Record be returned. Copy of this order shall be placed on judicial as well as police file. File be consigned to record room after necessary completion.

**Announced:**  
24.03.2020

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai at (Babar Mela)  
(M. Imtiaz)

Civil Judge/Judicial Magistrate-II,  
Orakzai